

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of
Supreme Radio Communications, Inc.
Call Sign WNGS881
East Peoria, IL

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ORDER

Adopted: December 20, 2002

Released: December 24, 2002

By the Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau:

I. Introduction

1. In this Order, we initiate, on our own motion, a proceeding pursuant to section 316 of the Communications Act of 1934, as amended (Act),¹ to modify Supreme Radio Communications, Inc.'s (Supreme) 800 MHz license for station WNGS881, East Peoria, Illinois, to remove frequency 857.7875 MHz. We also dismiss as moot the "Request to Supersede Authorization" regarding station WNGS881 (Petition) filed by Illinois Cooperative Association, Inc. d/b/a Clear Talk ("IL Cooperative") on May 3, 2001.

II. Background

2. IL Cooperative is licensed to operate an 800 MHz trunked business station under call sign WNQQ259 on various frequencies, including 857.7875 MHz, in Kewanee, Illinois. The Commission issued an initial authorization for call sign WNQQ259 to Illinois Valley Electric Cooperative, Inc. ("Illinois Valley") on November 15, 1989, for operation on five frequencies (856/860.7875 MHz) at Kewanee, Illinois. Station WNQQ259 was assigned from Illinois Valley to Cornbelt Electric Cooperative, Inc. ("Cornbelt") on June 23, 2000. Subsequently, Corn Belt assigned the license to IL Cooperative.

3. On August 9, 1996, the Commission superseded Supreme's authorization under call sign WNGS881 to add several frequencies, including frequency 857.7875 MHz, at East Peoria, Illinois. On May 3, 2001, IL Cooperative filed its Petition seeking the deletion of 857.7875 MHz from Supreme's call sign WNGS881, arguing that Supreme's station is located 49.81 miles from IL Cooperative's co-channel station WNQQ259, in violation of the co-channel separation requirements of section 90.621(b)(4).² IL Cooperative also states that it did not provide Supreme with a short-space concurrence under section 90.621(b)(5).³

4. Section 90.621(b)(4) of the Commission's Rules requires a minimum separation of 113

¹ 47 U.S.C. § 316.

² 47 C.F.R. § 90.621(b)(4).

³ 47 C.F.R. § 90.621(b)(5).

kilometers (approx. 70 miles) between co-channel facilities operating on applicable 800 MHz frequencies. However, an applicant proposing to locate a station less than 113 kilometers from another co-channel facility may provide, with its application, a letter of concurrence from each co-channel licensee located within 113 kilometers, and both the applicant and consenting party must agree to accept any interference resulting from the reduced separation between the systems. Alternatively, applicants with proposed co-channel stations located between 88 kilometers (approx. 55 miles) and 113 kilometers may show technical compliance (*e.g.*, meeting certain transmitter effective radiated power and antenna height criteria) with the Commission's "short-space" chart set forth in section 90.621(b)(4); however, for proposed separations of less than 88 kilometers, applicants are not permitted to rely on compliance with the "short-space" chart, and must: 1) request a waiver of the section 90.621(b)(4) minimum separation requirement; 2) serve their request on all co-channel licensees within the applicable area; and 3) file an analysis of interference potential from mobile transmitters to existing co-channel base station receivers.⁴

III. Discussion

5. Pursuant to Section 316(a) of the Act, we propose to modify Supreme's station license under call sign WNGS881 to delete frequency 857.7875 MHz. Although Section 90.621(b)(4) of the Commission's rules requires a minimum separation of 113 kilometers (approx. 70 miles) between co-channel facilities operating on the applicable 800 MHz frequencies, a review of Commission records reflects that Supreme has failed to comply with this requirement because Supreme's co-channel station under call sign WNGS881 is located only 49.81 miles from IL Cooperative's station under call sign WNQQ259. The Commission's records also reflect that Supreme did not obtain a waiver of section 90.621(b)(4), or the consent of the existing co-channel licensee, IL Cooperative. Section 316(a) of the Act permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.⁵ In this connection, we note that the proposed modification would serve the public interest by preserving compliance with Commission rules regarding minimum distance separation between co-channel facilities.

6. In accordance with Section 1.87(a) of the Commission's Rules,⁶ we will not issue a modification order until Supreme has received notice of our proposed action and has had an opportunity to interpose a protest. To protest the modification, Supreme must, within thirty days of the release date of this Order, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. If no protest is filed, Supreme will have waived its right to protest the modification and will be deemed to have consented to the modification. Further, as we propose to modify Supreme's license under call sign WNGS881 on our own motion, we dismiss IL Cooperative's Petition as moot.

IV. Ordering Clauses

7. ACCORDINGLY, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 1.41, 0.331 and 0.131 of the Commission's Rules, 47 C.F.R. §§ 1.41, 0.331, 0.131, the Request to Supersede Authorization filed by Illinois Cooperative Association, Inc. d/b/a Clear Talk on May 3, 2001 IS DISMISSED AS MOOT.

8. IT IS PROPOSED that, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, the license for Station WNGS881, held by Supreme Radio Communications, Inc., BE MODIFIED

⁴ See 47 C.F.R. § 90.621(b)(4).

⁵ 47 U.S.C. § 316(a). Section 316(a) requires that we notify the affected station(s) of the proposed modification(s), the public interest reasons for the action, and afford at least 30 days to respond.

⁶ 47 C.F.R. § 1.87(a).

to delete frequency 857.7875 MHz.

9. IT IS FURTHER ORDERED that a copy of this Order shall be sent by certified mail, return receipt requested, to Benjamin J Aron, Esq., Counsel for Supreme Radio Communications, Inc., Schwaninger & Associates, P.C., 1331 H Street, NW Suite 500, Washington, DC 20005.

FEDERAL COMMUNICATIONS COMMISSION

Paul D'Ari, Chief
Policy and Rules Branch
Commercial Wireless Division
Wireless Telecommunications Bureau